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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,546	02/07/2002	Subhash Chandra Taneja	82373	7828

7590

07/29/2003

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EXAMINER

RAMSUER, ROBERT W

ART UNIT

PAPER NUMBER

1626

DATE MAILED: 07/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET N.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

is application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

tened statutory period for response to this action is set to expire 1 month(s), \_\_\_\_\_ days from the date of this letter.  
e to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.       | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449             | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____   |

SUMMARY OF ACTION

☒ Claims 1-19 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

☐ Claims \_\_\_\_\_ have been cancelled.

☐ Claims \_\_\_\_\_ are allowed.

☐ Claims \_\_\_\_\_ are rejected.

☐ Claims \_\_\_\_\_ are objected to.

☒ Claims 1, 2, 7-19 are subject to restriction or election requirement.

*Claims 3-6 are non statutory and have not been grouped.*

☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable;  
☐ not acceptable (see explanation).

☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_,  
has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However,  
the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are  
corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO  
EFFECT DRAWING CHANGES", PTO-1474.

☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received

☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in  
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

☐ Other

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I . Claims 1 and 2, products, variously classified.
- II . Claims 7-19, various processes, variously classified.

Claims 3-6 are non statutory, appearing to be statements as opposed to defining claimed subject matter and have thus not been grouped.

The above groups are identified as general areas. Accordingly, as groups they are independent or distinct as the compounds of group I would be capable of preparation by more than one process, as is evident from group II and separate search considerations are involved. Moreover, to not restrict would impose a burden on the search and examination of this application.

The above groups themselves are inclusive of patentably distinct subject matter. Accordingly, along with the election of one of the above groups the following action is also taken.

Claims 1 and 7 are generic to a plurality of disclosed patentably distinct species comprising for example, the compounds (1) I , (2) III, (3) IV, (4) V , (5) VIII, etc., the process of preparing compounds as in (6) example 1, (7) example 2, etc. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Upon the election of a single disclosed species, a generic concept inclusive of the elected species will be identified by the Examiner for examination along with the elected species.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

An attempt was made to present this requirement telephonically but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Ramsuer whose telephone number is 703-308-4534. The examiner can normally be reached on Monday-Friday, from 8:30am to 5:00pm.

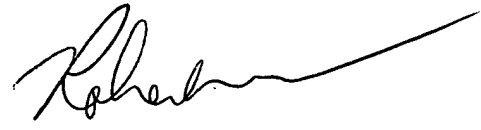
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 703-308-4537. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3592 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Application/Control Number: 10/067,546  
Art Unit: 1626

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Ramsuer/tgd  
April 10, 2003

  
Robert W. Ramsuer  
Art Unit 1626